



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

Refer to:

OSB2000-0201

September 21, 2000

Donna Kilber
ODOT Project Management Manager
Environmental Services
1158 Chemeketa Street NE
Salem, OR 97310

Re: Section 7 Informal Consultation for the Cummins Creek Bridge project in Lane County,
Oregon

Dear Ms. Kilber:

This responds to your July 28, 2000, request for informal consultation under the Endangered Species Act (ESA) for the proposed Cummins Creek Bridge project. The proposed action is located in Lane County on Highway 101, between Florence and Waldport, Oregon. Attached to your request was a biological assessment (BA) addressing impacts to Oregon Coast coho salmon. The action agency is the Federal Highway Administration, with the Oregon Department of Transportation (ODOT) as the federally designated representative. The project is proposed by ODOT.

The proposed action will rehabilitate the bridge and halt bridge corrosion. The action includes repairing all concrete and metal structural members and installing a zinc anode cathodic protection system. The bridge deck surface will be hydroblasted using a self-contained system that recirculates water in tanks; no wastewater will flow into the creek. Damaged concrete and rebar would be removed within a sealed, hanging enclosure, which will have an air filtering system. All work will be done using a work platform placed in the southwest corner of the bridge. The platform will have six supporting piles in an upland area, with a total impact area of less than one square meter.

Construction will modify less than five square meters of upland habitat in the immediate project area. These impacts will come from the piles under the work platform, and from installing drainage pipe outlets. The cathodic protection system will not have measurable impacts to aquatic habitat. The ODOT contract will require 100% containment of all water used during hydroblasting of the bridge deck. There will be no in-water work.

Within the Cummins Creek watershed, NMFS has listed Oregon Coast coho salmon (August 10, 1998, 63 FR 42587) as threatened under the Endangered Species Act. NMFS has designated critical habitat for this species (February 16, 2000, 65 FR 7764). The designation includes all



waterways, substrates, and adjacent riparian zones below longstanding, naturally impassable barriers. The adjacent riparian zone is defined based on key riparian functions. These functions are the area adjacent to a stream that provide shade, sediment, nutrient or chemical regulation, streambank stability, and input of large woody debris or organic matter. This consultation is undertaken under section 7(a)(2) of the ESA, and its implementing regulations, 50 CFR Part 402.

The action area is within the Cummins Creek watershed. Cummins Creek flows into the Pacific Ocean. Anadromous fish use in this reach includes migration, spawning, and juvenile rearing. Steelhead, sea-run cutthroat trout, and coho salmon are found in the Cummins Creek watershed.

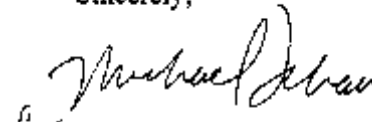
No entry into the 2-year floodplain will occur as part of this action. FHWA/ODOT has developed conservation measures to minimize and avoid impacts to listed fish and critical habitat. These measures are described in the BA, and include erosion and sediment control, a plan for collecting, storing, and disposing of all wastes generated by this project, containment of construction debris and hazardous materials (including material from hydroblasting and 100% containment of waste water). Heavy equipment will not be permitted below the bridge deck or within the 5-year flood elevation.

NMFS concurs with your determination (supported by the BA) that the proposed project is not likely to adversely affect OC coho because: 1) No in-water work will occur; 2) the project design team has minimized ground disturbance and limited access by the contractor to minimize riparian impacts; 3) the BA outlines conservation measures that have been incorporated into project design to minimize and avoid impacts by addressing erosion control, handling of hazardous materials, containment of debris and other materials including paint scrapings, and disturbance of riparian vegetation; and 4) there will be no staging or entry of heavy equipment within the 5-year floodplain. Thus, NMFS believes there is less than a negligible likelihood of incidental take of OC coho associated with this project, and adverse modification of critical habitat is not anticipated.

The FHWA/ODOT must reinitiate consultation if: 1) New information reveals that effects of the action may affect listed species in a way not previously considered; 2) the action is modified in a way that causes an effect on listed species that was not previously considered; or, 3) a new species is listed or critical habitat is designated that may be affected by the action (50 CFR 402.16).

Questions regarding this letter should be directed to Pat Oman of my staff in the Oregon State Branch Office at (503) 231-6892.

Sincerely,


for William Stelle, Jr.
Regional Administrator

cc: Rose Owens, ODOT Biology Team Leader
Molly Cary, ODOT Region 2
Paul Meyers, ODOT Region 2
Terry Shike, David Evans and Associates